

In the Senate of the United States,

October 19 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 3657) entitled “An Act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN***
2 ***BERNARDINO NATIONAL FOREST, CALI-***
3 ***FORNIA.***

4 *(a) CONVEYANCE REQUIRED.—Subject to valid exist-*
5 *ing rights and settlement of claims as provided in this sec-*
6 *tion, the Secretary of Agriculture shall convey to KATY*
7 *101.3 FM (in this section referred to as “KATY”) all right,*
8 *title and interest of the United States in and to a parcel*
9 *of real property consisting of approximately 1.06 acres*
10 *within the San Bernardino National Forest in Riverside*

1 County, California, generally located in the north $\frac{1}{2}$ of sec-
2 tion 23, township 5 south, range 2 east, San Bernardino
3 meridian.

4 (b) *LEGAL DESCRIPTION.*—The Secretary and KATY
5 shall, by mutual agreement, prepare the legal description
6 of the parcel of real property to be conveyed under sub-
7 section (a), which is generally depicted as Exhibit A–2 in
8 an appraisal report of the subject parcel dated August 26,
9 1999, by Paul H. Meiling.

10 (c) *CONSIDERATION.*—Consideration for the convey-
11 ance under subsection (a) shall be equal to the appraised
12 fair market value of the parcel of real property to be con-
13 veyed. Any appraisal to determine the fair market value
14 of the parcel shall be prepared in conformity with the Uni-
15 form Appraisal Standards for Federal Land Acquisition
16 and approved by the Secretary.

17 (d) *SETTLEMENT.*—In addition to the consideration
18 referred to in subsection (c), upon the receipt of \$16,600
19 paid by KATY to the Secretary, the Secretary shall release
20 KATY from any and all claims of the United States arising
21 from the occupancy and use of the San Bernardino Na-
22 tional Forest by KATY for communication site purposes.

23 (e) *ACCESS REQUIREMENTS.*—Notwithstanding sec-
24 tion 1323(a) of the Alaska National Interest Lands Con-
25 servation Act (16 U.S.C. 3210(a)) or any other law, the

1 *Secretary is not required to provide access over National*
2 *Forest System lands to the parcel of real property to be*
3 *conveyed under subsection (a).*

4 (f) *ADMINISTRATIVE COSTS.*—*Any costs associated*
5 *with the creation of a subdivided parcel, recordation of a*
6 *survey, zoning, and planning approval, and similar ex-*
7 *penses with respect to the conveyance under this section,*
8 *shall be borne by KATY.*

9 (g) *ASSUMPTION OF LIABILITY.*—*By acceptance of the*
10 *conveyance of the parcel of real property referred to in sub-*
11 *section (a), KATY, and its successors and assigns will in-*
12 *demnify and hold harmless the United States for any and*
13 *all liability to General Telephone and Electronics Corpora-*
14 *tion (also known as “GTE”) KATY, and any third party*
15 *that is associated with the parcel, including liability for*
16 *any buildings or personal property on the parcel belonging*
17 *to GTE and any other third parties.*

18 (h) *TREATMENT OF RECEIPTS.*—*All funds received*
19 *pursuant to this section shall be deposited in the fund estab-*
20 *lished under Public Law 90–171 (16 U.S.C. 484a; com-*
21 *monly known as the Sisk Act), and the funds shall remain*
22 *available to the Secretary, until expended, for the acquisi-*
23 *tion of lands, waters, and interests in land for the inclusion*
24 *in the San Bernardino National Forest.*

1 (i) *RECEIPTS ACT AMENDMENT.*—*The Act of June 15,*
 2 *1938 (Chapter 438:52 Stat. 699), as amended by the Acts*
 3 *of May 26, 1944 (58 Stat. 227), is further amended—*

4 (1) *by striking the comma after the words “Sec-*
 5 *retary of Agriculture”;*

6 (2) *by striking the words “with the approval of*
 7 *the National Forest Reservation Commission estab-*
 8 *lished by section 4 of the Act of March 1, 1911 (16*
 9 *U.S.C. 513),”;*

10 (3) *by inserting the words “, real property or in-*
 11 *terests in lands,” after the word “lands” the first time*
 12 *it is used;*

13 (4) *by striking “San Bernardino and Cleveland”*
 14 *and inserting “San Bernardino, Cleveland and Los*
 15 *Angeles”;*

16 (5) *by striking “county of Riverside” each place*
 17 *it appears and inserting “counties of Riverside and*
 18 *San Bernardino”;*

19 (6) *by striking “as to minimize soil erosion and*
 20 *flood damage” and inserting “for National Forest*
 21 *System purposes”; and*

22 (7) *after the “Provided further, That”, by strik-*
 23 *ing the remainder of the sentence to the end of the*
 24 *paragraph, and inserting “twelve and one-half per-*
 25 *cent of the monies otherwise payable to the State of*

1 *California for the benefit of San Bernardino County*
 2 *under the aforementioned Act of March 1, 1911 (16*
 3 *U.S.C. 500) shall be available to be appropriated for*
 4 *expenditure in furtherance of this Act.”.*

5 **SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NA-**
 6 **TIONAL MONUMENT CLARIFYING AMEND-**
 7 **MENTS.**

8 *The Santa Rosa and San Jacinto Mountains National*
 9 *Monument Act of 2000 is amended as follows:*

10 *(1) In the second sentence of section 2(d)(1), by*
 11 *striking “and the Committee on Agriculture, Nutri-*
 12 *tion, and Forestry”.*

13 *(2) In the second sentence of section 4(a)(3), by*
 14 *striking “Nothing in this section” and inserting*
 15 *“Nothing in this Act”.*

16 *(3) In section 4(c)(1), by striking “any person,*
 17 *including”.*

18 *(4) In section 5, by adding at the end the fol-*
 19 *lowing:*

20 *“(j) WILDERNESS PROTECTION.—Nothing in this Act*
 21 *alters the management of any areas designated as Wilder-*
 22 *ness which are within the boundaries of the National Monu-*
 23 *ment. All such areas shall remain subject to the Wilderness*
 24 *Act (16 U.S.C. 1131 et seq.), the laws designating such*
 25 *areas as Wilderness, and other applicable laws. If any part*

1 *of this Act conflicts with any provision of those laws with*
 2 *respect to the management of the Wilderness areas, such*
 3 *provision shall control.”.*

4 **SEC. 3. TECHNICAL CORRECTION.**

5 *The Santo Domingo Pueblo Claims Settlement Act of*
 6 *2000 is amended by adding at the end:*

7 **“SEC. 7. MISCELLANEOUS PROVISIONS.**

8 *“(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEX-*
 9 *ICO.—*

10 *“(1) IN GENERAL.—Not later than 2 years after*
 11 *the date of enactment of this Act, the Secretary shall*
 12 *acquire by exchange the State of New Mexico trust*
 13 *lands located in township 16 north, range 4 east, sec-*
 14 *tion 2, and all interests therein, including improve-*
 15 *ments, mineral rights and water rights.*

16 *“(2) USE OF OTHER LANDS.—In acquiring lands*
 17 *by exchange under paragraph (1), the Secretary may*
 18 *utilize unappropriated public lands within the State*
 19 *of New Mexico.*

20 *“(3) VALUE OF LANDS.—The lands exchanged*
 21 *under this subsection shall be of approximately equal*
 22 *value, and the Secretary may credit or debit the ledg-*
 23 *er account established in the Memorandum of Under-*
 24 *standing between the Bureau of Land Management,*
 25 *the New Mexico State Land Office, and the New Mex-*

1 *ico Commissioner of Public Lands, in order to equal-*
2 *ize the values of the lands exchanged.*

3 “(4) CONVEYANCE.—

4 “(A) BY SECRETARY.—Upon the acquisition
5 *of lands under paragraph (1), the Secretary shall*
6 *convey all title and interest to such lands to the*
7 *Pueblo by sale, exchange or otherwise, and the*
8 *Pueblo shall have the exclusive right to acquire*
9 *such lands.*

10 “(B) BY PUEBLO.—Upon the acquisition of
11 *lands under subparagraph (A), the Pueblo may*
12 *convey such land to the Secretary who shall ac-*
13 *cept and hold such lands in trust for the benefit*
14 *of the Pueblo.*

15 “(b) OTHER EXCHANGES OF LAND.—

16 “(1) IN GENERAL.—In order to further the pur-
17 *poses of this Act—*

18 “(A) *the Pueblo may enter into agreements*
19 *to exchange restricted lands for lands described*
20 *in paragraph (2); and*

21 “(B) *any land exchange agreements between*
22 *the Pueblo and any of the parties to the action*
23 *referred to in paragraph (2) that are executed*
24 *not later than December 31, 2001, shall be*
25 *deemed to be approved.*

1 “(2) *LANDS.*—*The land described in this para-*
 2 *graph is the land, title to which was at issue in Pueb-*
 3 *lo of Santo Domingo v. Rael (Civil No. 83–1888*
 4 *(D.N.M.)).*

5 “(3) *LAND TO BE HELD IN TRUST.*—*Upon the*
 6 *acquisition of lands under paragraph (1), the Pueblo*
 7 *may convey such land to the Secretary who shall ac-*
 8 *cept and hold such lands in trust for the benefit of the*
 9 *Pueblo.*

10 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
 11 *subsection shall be construed to limit the provisions of*
 12 *section 5(a) relating to the extinguishment of the land*
 13 *claims of the Pueblo.*

14 “(c) *APPROVAL OF CERTAIN RESOLUTIONS.*—*All*
 15 *agreements, transactions, and conveyances authorized by*
 16 *Resolutions 97–010 and C22–99 as enacted by the Tribal*
 17 *Council of the Pueblo de Cochiti, and Resolution S.D. 12–*
 18 *99–36 as enacted by the Tribal Council of the Pueblo of*
 19 *Santo Domingo, pertaining to boundary disputes between*
 20 *the Pueblo de Cochiti and the Pueblo of Santo Domingo,*
 21 *are hereby approved, including the Pueblo de Cochiti’s*
 22 *agreement to relinquish its claim to the southwest corner*
 23 *of its Spanish Land Grant, to the extent that such land*
 24 *overlaps with the Santo Domingo Pueblo Grant, and to dis-*
 25 *claim any right to receive compensation from the United*

- 1 *States or any other party with respect to such overlapping*
- 2 *lands.”.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 3657

AMENDMENT